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Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BRADLEY STERNFELS,

Plaintiffs,

vs.

COSTCO WHOLESALE CORPORATION,  
dba COSTCO WHOLESALE, a foreign  
corporation; DOES I – 10, ROES I-X,  
inclusive;

Defendants.

Case No.:

**NOTICE OF REMOVAL**

Defendant Costco Wholesale Corporation (“Defendant”), by and through its counsel of record, Edgar Carranza, Esq., and Jeremy Robins, Esq., of the law firm of BACKUS, CARRANZA & BURDEN, hereby files this instant notice of removal of this action to the United States District Court for the District of Nevada, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and in support thereof, states as follows:

....

....

## I. FACTUAL AND PROCEDURAL HISTORY

1. Plaintiff BRADLEY STERNFELS (“Plaintiff”) was a resident of the State of Nevada at the time of the filing of the Complaint; and was therefore a citizen of Nevada for purposes of diversity. *See* Summons and Complaint filed in the Eighth Judicial District Court for Clark County, Nevada, at ¶1, attached as Exhibit A.

2. Defendant Costco Wholesale Corporation is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Washington, with its headquarters and principal place of business in the State of Washington. *See* Defendant’s NRCP 7.1 Disclosure Statement, attached as Exhibit B.

3. Plaintiff’s Complaint was filed in the Eighth Judicial District Court for Clark County, Nevada on or about March 10, 2022. *See* Exhibit A.

4. The Summons was issued on March 14, 2022. *See* Summons, attached as Exhibit C.

5. Plaintiff’s Amended Complaint was filed in the Eighth Judicial District Court for Clark County, Nevada on or about April 18, 2022. *See* Exhibit D.

6. Plaintiff’s action alleges that on or about October 3, 2021, he slipped and fell on a liquid substance inside the Defendant’s store located at 791 Marks St., Henderson, Nevada, 89014. *See* Exhibit D at ¶¶ 7 & 9-10. Plaintiff asserts causes of action for Negligence. *Id.* at ¶¶15-20.

7. In his Complaint, Plaintiff seeks an amount in excess of \$15,000.00 for general damages, an amount in excess of \$15,000.00 for past special damages, an amount in excess of \$15,000.00 for future special damages, attorney's fees and costs of suit. *Id.* at 4:7-12.

8. On July 11, 2022, Plaintiff produced verified and notarized answers to interrogatories, where he stated that he lost **\$431,904.00** in past wages from 2017 to 2021, and that he anticipated losing over **\$1,000,000.00** in future wages. *See* Plaintiff Sternfels Answers to Defendant Costco Wholesale Corporations’ First Set of Interrogatories, Answer to Interrogatory

Nos. 9 & 10, attached as Exhibit E.

## II. DIVERSITY JURISDICTION

9. Pursuant to 28 U.S.C. 1332(a), a federal district court “shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000” and the controversy is between “citizens of different states.” *See* 28 § U.S.C. 1332(a).

10. Pursuant to 28 U.S.C. § 1332(a)(1), this case may be removed to United States District Court for the District of Nevada because there is complete diversity of citizenship between Plaintiff and Defendant, and the amount in controversy exceeds \$75,000.00.

11. There is complete diversity in the matter as each Plaintiff was at all times relevant a citizen of Nevada. Costco Wholesale Corporation is a citizen of Washington.

12. Further, it is more likely than not that the amount in controversy will exceed \$75,000.00. The preponderance of the evidence demonstrates that the amount in controversy can easily be reached based on the following factors: (1) Plaintiff is seeking lost wages in an amount of **\$431,904.00**; (2) Plaintiff is seeking future lost wages in an amount in excess of **\$1,000,000.00**. Which has now been confirmed by his written discovery responses. *See* Exhibit E. Therefore, it is more likely than not that the factors addressed above meet the requisite amount in controversy under 28 U.S.C. § 1332(a).

13. Accordingly, this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

14. Defendant respectfully requests this matter be removed to the United States District Court for the District of Nevada.

## III. THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

15. 28 U.S.C. § 1446(b)(1) states: “The notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action

1 or proceeding is based, or within 30 days after the service of summons upon the defendant if such  
2 initial pleading has then been filed in court and is not required to be served on the defendant,  
3 whichever period is shorter.”

4 16. 28 U.S.C. § 1446(b)(3) states: “Except as provided in subsection (c), if the case  
5 stated by the initial pleading is not removable, a notice of removal may be filed within thirty days  
6 after receipt by the defendant, through service or otherwise, of a copy of **an amended pleading,**  
7 **motion, order or other paper** from which it may first be ascertained that the case is one which is  
8 or has become removable.” (Emphasis added.)

9 17. In addition, 28 U.S.C. § 1446(c)(2)(A)(ii) provides that for removal based on  
10 diversity jurisdiction, the sum demanded in good faith in the initial pleading shall be deemed to be  
11 the amount in controversy except when the initial pleading seeks a monetary judgment, but the  
12 State practice, such as in Nevada, either does not permit demand for a specific sum or permits  
13 recovery of damages in excess of the amount demanded.” *See* 28 U.S.C. § 1446(c)(2)(A)(ii).

14 18. This instant Notice for Removal is timely in that it is filed within 30 days of the  
15 first notice that Plaintiff’s claimed damages would more likely than not exceed \$75,000 via his  
16 Answers to Defendant Costco Wholesale Corporations’ First Set of Interrogatories, filed August 7,  
17 2022, claiming to have lost wages in an amount of **\$431,904.00** and future lost wages in an  
18 amount in excess of **\$1,000,000.00**. *See* Exhibit E.

19 19. This Court has original jurisdiction over the subject matter of this action, pursuant  
20 to 28 U.S.C. § 1332, as there is complete diversity between the parties and there is more than  
21 \$75,000 in controversy, exclusive of interest and costs.

22 20. Pursuant to the 28 U.S.C. § 1441, this action is one which may be removed to this  
23 Court.

24 21. Pursuant to 28 U.S.C. § 1446(c)(1), the date for this removal is not more than one  
25 year after the March 10, 2022 commencement of the state court action.

22. Pursuant to 28 U.S.C. § 1446(b)(2)(A), there is only one defendant in this case who filed this instant notice of removal.

23. A true and correct copy of this Notice of Removal will be filed with the Clerk for the Eighth Judicial District Court, Clark County, Nevada.

24. Pursuant to 28 U.S.C. § 1446, a true and correct copy of all process, pleadings, and orders served upon Defendant in the state court are attached hereto. *See* Complaint attached as Exhibit A, NRCP 7.1 Disclosure Statement attached as Exhibit B, Summons attached as Exhibit C and Amended Complaint, attached as Exhibit D.

25. Therefore, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant is entitled to remove this action to this Court.

**PRAYER**

26. WHEREFORE, Defendant prays that the above-entitled action be removed from the Eighth Judicial District Court in and for Clark County, Nevada.

DATED this 11<sup>th</sup> day of August, 2022.

Respectfully Submitted,

**BACKUS, CARRANZA & BURDEN**

By: /s/ Edgar Carranza  
Edgar Carranza, Esq.  
Nevada Bar No. 5902  
Jeremy R. Robins, Esq.  
Nevada State Bar No. 11701  
3050 South Durango Drive  
Las Vegas, Nevada 89117  
Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION

**CERTIFICATE OF SERVICE**

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 S. Durango Drive, Las Vegas, Nevada, 89117. On August 11, 2022, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Kirk T. Kennedy, Esq. 815 South Casino Center Blvd Las Vegas, Nevada 89101 702-385-5534 702-385-1869 <a href="mailto:Ktkennedylaw@gmail.com">Ktkennedylaw@gmail.com</a>	Attorney for Plaintiffs	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> Electronic means

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Patti Sherretts  
An employee of BACKUS, CARRANZA & BURDEN